

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

NO. 7:14-CR-39-BR

FILED IN OPEN COURT  
ON 9-11-2014  
Julie A. Richards, Clerk  
US District Court  
Eastern District of NC JAA

UNITED STATES OF AMERICA        )  
                                      )  
                  v.                    )  
                                      )  
JOHN TOBIAS SWEENEY            )

SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Attempt to entice a child to engage in illegal sexual conduct)

During a period of time beginning on or about March, 2013, and continuing until on or about September 23, 2013, JOHN TOBIAS SWEENEY, the defendant herein, using a facility and means of interstate commerce, specifically, an internet-connected computer and cellphone, did knowingly attempt to persuade, induce, and entice an individual under the age of eighteen (18), to engage in sexual activity for which any person can be charged with a criminal offense, specifically, first degree sexual offense, in violation of NCGS §14-27.4, all in violation of Title 18, United States Code, Section 2422(b).

COUNT TWO

(Receipt of Child Pornography)

On or about March 11, 2013, in the Eastern District of North Carolina, the defendant, JOHN TOBIAS SWEENEY, did

knowingly receive visual depictions, that is, digital and computer images in files that had been mailed, shipped and transported in interstate and foreign commerce by any means, including by computer, and were received using means and facilities of interstate commerce, i.e., the Internet. The production of these visual depictions involved the use of a minor engaging in sexually explicit conduct and were depictions of such conduct. All in violation of Title 18, United States Code, Section 2252(a)(2).

COUNT THREE

(Possession of Child Pornography)

On or about December 19, 2013, in the Eastern District of North Carolina, JOHN TOBIAS SWEENEY, the defendant herein, did knowingly possess one or more matters, that is, computer hard drives and computer media containing digital and computer images, the production of which involved the use of a minor engaging in sexually explicit conduct, and which images visually depicted such conduct; the images had been mailed, shipped and transported in interstate and foreign commerce, and were produced using materials which had been mailed, shipped, or transported in interstate and foreign commerce, by any means including by computer; all in violation of Title 18, United States Code, Section 2252(a)(4)(B).

### FORFEITURE ALLEGATION

If convicted of one or more of the offenses set forth in Counts 2 and 3 above, JOHN TOBIAS SWEENEY, the defendant herein, shall forfeit to the United States —

(1) any visual depiction or book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of the offense(s);

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense(s); and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense(s)

— all pursuant to Title 18, United States Code, Section 2253(a).

If any of the above-described forfeitable property, as a result of any act or omission of the defendant --

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(o), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

A TRUE BILL

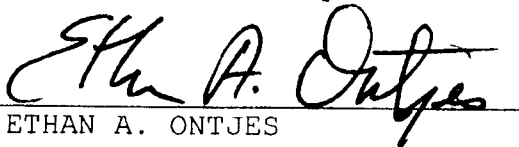
**REDACTED VERSION**

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

~~For~~ person

Date: September 9, 2014

THOMAS G. WALKER  
United States Attorney



BY: ETHAN A. ONTJES  
Assistant United States Attorney  
Criminal Division